

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

YSIDRO VALENCIA	§	
VS.	§	CIVIL ACTION NO. 1:05-CV-718
LORIMIER, ET AL.	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Ysidro Valencia, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Warden Lorimier, Warden Doughty, Assistant Warden Mosley, Assistant Warden B. Young, Major Freeman, Captain Hall, Lieutenant Vincent, Sergeant Sistrunk, Sergeant Graves, Sheila August, John Black, Officer Brogen, Sergeant Carrier, Major M. Dabney, Gideon Daniels, Sergeant Deggs, Lieutenant Dennis, Kent Dickerson, Sergeant Garza, Psychiatrist Hashop, Captain Hatch, Sergeant C. Hieman, Lieutenant T. Hilyar, Cora Jacquet, Sergeant Beau Mathews, Sergeant R. McKinney, and Carrie Mink.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that defendants Hall, Freeman, Graves, Sistrunk, and Hieman be ordered to answer the claim that they subjected plaintiff to unconstitutional conditions of confinement. The magistrate judge further recommends that all remaining claims and defendants be dismissed as the claims are frivolous and fail to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A partial judgment will be entered in accordance with this memorandum order.

So **ORDERED** and **SIGNED** this **31** day of **January, 2008**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge